

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 27, 2010
POSITION: Oppose unless amended
SPONSOR: Regional Council of Rural Counties

BILL NUMBER: AB 2301
AUTHOR: D. Logue

BILL SUMMARY: Fire Protection: Public Lands: Defensible Space

Existing law requires a person that owns, leases, controls, operates, or maintains an occupied structure within a very high fire hazard severity zone or within a state responsibility area to maintain a defensible space of 100 feet or up to the property line if less than 100 feet exists. This bill would require a state public lands management agency to establish a discretionary permitting or approval process to consider an application from a person to maintain defensible space on state public lands if that person's 100 feet requirement encroaches onto state land. This bill would define a state public lands management agency as The Department of Forestry and Fire Protection (CAL FIRE), the Department of Parks and Recreation (Parks), the State Lands Commission (SLC), the Department of Water Resources (DWR), or the Department of Transportation (Caltrans).

FISCAL SUMMARY

CAL FIRE estimates a one-time cost of \$20,000 to establish the permitting and approval process as specified in this bill. Additionally, CAL FIRE estimates that a 1/2 PY, at a cost of \$100,000 annually, would be needed for application review, permitting and annual inspection of the defensible space.

Parks estimates a cost of \$900 per permit assuming that the Negative Declaration and Environmental Impact Report (EIR) are not needed. If a Negative Declaration and EIR are needed, costs may increase to \$6,000 per permit.

The SLC currently has a general permitting process in place similar to one that would be required of this bill. As part of this process, the Commission requires an application processing fee to cover costs, otherwise the application is incomplete.

The DWR does not expect an increase in costs to participate in the permitting process.

The fiscal impact to Caltrans is unknown at this time.

We note the bill does not authorize the affected state agencies to charge a fee to recover their permitting costs. Consequently, the costs to CAL FIRE, Parks, and DWR would likely need to be paid by the General Fund.

COMMENTS

Finance is opposed to this bill unless it is amended to allow a state public lands management agency to charge an application processing fee to cover its costs. Without the fee, this bill would result in additional General Fund costs to the state not included in the 2010 Governor's Budget. A suggested amendment is attached

(Continued)

Analyst/Principal (0634) M. Almy	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

D. Logue

April 27, 2010

AB 2301

COMMENTS (continued)

Additionally, we are concerned that this bill could result in significant litigation costs to the state if private landowners unknowingly destroy or disrupt designated critical habitat for wildlife or fish under the State or Federal Endangered Species Act when performing defensible space activities on state public lands.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO RV	PROP 98	FC	2009-2010	FC	2010-2011	FC	2011-2012	Fund Code
3540/Forest&Fire	SO	No		--	C	\$120	C	\$100	0001
3860/Water Res	SO	No		-----	No/Minor Fiscal Impact	-----			0001
3790/Parks & Rec	SO	No		-----	See Fiscal Summary	-----			0001
3560/Lands Comm	SO	No		-----	No/Minor Fiscal Impact	-----			0001
2660/Caltrans	SO	No		-----	See Fiscal Summary	-----			0001

Suggested Amendments
AB 2301 (As amended April 27, 2010)

On page 4, after line 12, insert:

(i) In its review and consideration of an application pursuant to subdivision (b), a state public lands management agency may charge a fee to the applicant to cover all costs associated with the review and permitting process.